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## EXAMINING TRIAL CONTINUED TODAY

STATE PRESENTED WITNESSES  
YESTERDAY MORNING.

## TESTIMONY COMES SLOW

Only One Witness Was Heard at the  
Afternoon Session in Judge  
Whelan's Court.

The examining trial of J. W. Walker, charged with the killing of Louis Shirar in this city on January 21st, was begun before Justice of the Peace Whelan yesterday morning at 9:20 o'clock.

The examination of three witnesses, Miss Antoinette Schaeffer, Dr. J. H. Willis and J. L. Berry, occupied all of the morning session.

At noon the court recessed until 2:45 o'clock, when John Smith, a lad 16 years of age, and who had been employed as dishwasher at the St. James Hotel on the day of the shooting, was placed on the stand. After the testimony of the boy had been heard the court was adjourned until this morning at 9:15 o'clock, when the case will be resumed.

The State has placed all of its witnesses on the stand, and today will be used by the defense in placing their witnesses. It is thought that both Mrs. Shirar and Mrs. J. W. Walker will be called.

The case is attracting the greatest amount of interest and the court room was thronged at both sessions yesterday. Attorneys J. W. Pope & Taylor are representing the defense and County Attorney O'Connell the State.

Dr. W. E. Willis, witness for the State, being placed on the stand, testified as follows:

"My name is Willis. I live in Corpus Christi. I did not know deceased until I met him Sunday morning. I was called down to look after his wounds. There were two gunshot wounds, one about two inches below the navel, and one about two inches, more or less, below the heart, on the left side. He (Shirar) died Wednesday at 1 p. m. Dr. Wardlaw was also in attendance. The shots appeared to be entered just a little from the side, and to the left."

Cross-examined by Attorney Pope for the defense, Dr. Willis stated that he could not say whether or not Shirar had advanced on Walker. He said both wounds were on the same general line, and not directly from the front.

Antoinette Schaeffer, an employee of the St. James Hotel at the time of the shooting, called by the State, testified:

"I live in Austin. Have been living at 1215 Railroad avenue for the past few days. I was working at the St. James for Mr. Shirar and Mr. Walker."

"About 9 o'clock in the morning, on the day of the trouble, Mr. Walker came down stairs. I spoke to him and jolted him about getting up as late in the morning. He was very pleasant in his reply."

"He then went into the kitchen, where he hired Josephine Smith as dishwasher. He then went out again and sent up stairs. I don't know what was his intention. He came down again, to the kitchen, in from three to five minutes. He had not spoken to Mr. Shirar up to this time."

"When he entered the kitchen, the cook asked him who she must obey, because the day before Mr. Shirar had given her orders about the meals and Mr. Walker had countermanded these orders. Mr. Walker told the cook that she must obey him. Mr. Shirar said: 'I don't know about that, Will, you and I, when we purchased this hotel, agreed that you should take care of the office and that I should take care of the dining room and kitchen, and I think I ought to tend to the order business; and when I come in and give an order, I don't think you should countermand it. If you continue to do so, I shall walk out.'"

"Walker replied that he was sole boss and was going to have his way. Shirar said: 'I don't know about that; I have almost as much money in here as you have. Mr. Walker said: 'No, you haven't; I am boss and am going to have my way.'"

"Mr. Shirar turned around toward the stove in such a manner as to warm his hands. Mr. Walker pulled from his coat pocket an automatic gun, saying: 'You are going to kill me and get you out of the way.'"

"Mrs. Walker and Mrs. Shirar screamed and grabbed for Mr. Walker's hand. This alarmed Mr. Shirar and he turned around. There was a stick of wood near the stove on the floor. Seeing the gun, Mr. Shirar grabbed for the stick. He raised in a half-stooped manner with the stick of wood in his hand and Mr. Walker fired the first shot, hitting him just below the heart. He then dropped the stick and almost fell. I ran to him to hold him up, when he knocked me away, saying: 'My God, look out. He is going to shoot again.' This shot went through his wife's (Mrs. Walker's) hand, ranging upward; it came out and went into Mr. Shirar's abdomen."

"Mr. Shirar was then in the pantry door, between the pantry and the kitchen. Mrs. Walker said: 'Why, Will, you shot me.' When the third shot was fired, Mr. Walker was standing in the dining room door. That shot lodged in the east pantry door."

"Everyone ran out in front to call for help leaving Shirar in the pantry. I picked him up and carried him into the parlor, and then the doctor was phoned for. Mr. Walker came in and asked Mr. Shirar for forgiveness. Mr. Shirar struck at him and said: 'Get away. You have shot me and need not ask for forgiveness now.' We carried Mr. Shirar into the bedroom and there the doctor saw him. Mr. Walker carried his wife upstairs in his arms. Three shots were fired by Mr. Walker. Mr. Shirar had no weapons."

"In the kitchen at the time were Mr. Walker's wife, Mr. Shirar, Mrs. Shirar, Mrs. Josephine Smith, the cook, Josephine Smith, the dishwasher, Geo. Smith, Mr. Walker and I."

Cross-examined by the defense, Miss Schaeffer said she was 18 years of age and that both Shirar and Walker had employed her. She said she stayed in the kitchen. That she did not run. That she was the last one out. She said she tried to help Mr. Shirar."

"She said she had no animosity toward Walker and that she was telling the straight truth. Attorney Pope asked her if she had talked to anyone about the trial. She persisted in saying that she had only told three officers the complete details. Mr. Pope asked her if she knew she would be examined if she did not tell the truth. She replied that she did and that she was telling the truth."

"She said that the Sunday morning on which the shooting took place was cold. Or that it was rather cool. This accounted for Mr. Shirar's wearing his hands. She reiterated the statement that the second bullet ranged upward through Mrs. Walker's arm and penetrated Shirar's abdomen, and said she knew how the bullet hit from the way Shirar grabbed himself when hit. There was quite a spirited line of sharp repartee between Miss Schaeffer and Mr. Pope. She concluded her testimony on cross-examination by saying that she went to work at the St. James Hotel on the Thursday evening preceding the Sunday of the tragedy."

J. H. Berry, called by the State, said that he lived here, that he was at the St. James on the morning of the 21st, when the shooting occurred. "I saw no shooting. Immediately afterward, Mr. and Mrs. Walker came running in. When Mr. Walker saw he had shot his wife he dropped the gun. There Mr. Berry identified the gun. It was a Colt's automatic, 32-caliber. It belonged to J. L. Miller. It was turned over to Walker on the 17th, I think, for safe keeping. He placed it in the office drawer. It was loaded; the magazine was full. I think it holds eight shots. I picked it up and put it in my pocket when Walker dropped it. I took it up to my room and put it in my grip. The marshal got it. I know nothing else."

Mr. Berry was not cross-examined. Recess was announced until 2:10 in the afternoon.

## KEYNOTE SOUNDED IN NEW CAMPAIGN

(Continued from Page 1)

of the best combinations are facing a trial jury in a fight for their liberty, is a demonstration of the good faith and the determination of this administration to enforce the law. The attorney general echoed the voice of the nation when he said 'guilt is personal.' He said that during McKinley's administration three prosecutions were brought for the enforcement of the anti-trust law; forty-four prosecutions during the seven and a half years of Roosevelt's administration and that during two years and nine months of Taft's administration, thirty-seven prosecutions had been commenced.

"If the press of the United States would tell the whole truth about President Taft," said the Senator in conclusion, "there would not be enough democratic votes in the electoral college to make a quorum." He said that if there is any reason to be claimed or any blame to be imposed for what has been done so far during Taft's administration, it belongs to the Republican party as well as to the President.

"We cannot condemn one without impeaching the other. We cannot give one without commending both," he declared.

Senator Brown paid tributes to former Republican presidents, including Colonel Roosevelt and referring to a third term he said that Theodore Roosevelt never led to the American people and when he said he did not want to be president again he meant what he said.

Every man who doubts that statement now impeaches his integrity. I have honored and trusted him too many years to insult him now with the thought that he says one thing and means another," concluded the Nebraskaan.

The afternoon.

The examination of witnesses was continued at 2:45 o'clock yesterday afternoon, and Attorney Pope for the defense asked if Mrs. Shirar was present. Upon being informed that she was not present, he asked that John Smith be called, who testified as follows:

"My name is John Smith. I am 19 years old and my home is in Taylor. On Sunday morning of January 21 I was washing dishes in the kitchen of the St. James Hotel and heard a shot fired in another room. I went into the room after it was all over. The shot was not fired in the room where I was washing dishes."

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"There was a store in the room. Shirar was in the room before the shooting, but I did not see him when he left. I did not see Shirar with a stick of wood in his hand. The Schaeffer woman was not in the kitchen when the shooting began. The shooting took place in a different room."

At this point in the testimony Attorney Pope asked the witness to make a pencil diagram of the kitchen and adjoining rooms, marking the doorways, the position of the stove in the room, and the place where the wood for the stove was. Smith said he did not know just where the stove was placed.

The witness was then re-examined by County Attorney O'Connell and was told that the shooting, he did not think, occurred in the dining room. Smith admitted that he was greatly excited at the time.

"The kitchen was a big room," said Smith. "I guess the shooting occurred in the parlor. Mrs. Shirar was in the kitchen before the shooting. I do not remember whether Walker or Mrs. Walker were in the room or not."

The witness was then dismissed, as neither side cared to question him further.

Attorney Pope then asked that Miss Antoinette Schaeffer, who was a witness in the morning, again be placed on the stand. It was found that she was not present. The court for the defense then asked that on account of neither Miss Schaeffer nor Mrs. Shirar being present, that the examination be continued to meet at 9 o'clock this morning.

No objection was raised to this motion by County Attorney O'Connell, and the examination was continued, by order of Judge Whelan.

Ladies' Souvenir Matinee at the Seaside Wednesday and Saturday afternoon. Each lady attending will be presented with a triplopated.

1-27-11

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\$3.00 Fancy Vests now only	\$1.50
\$4.00 Fancy Vests now only	\$2.00
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THURSDAY WAS SETTLED.  
(By The Associated Press.)  
PARIS, France, Jan. 26.—The Italian incident arising from the seizure of the French steamers *Manila* and *Castagna*, by Italian war vessels, was today satisfactorily to both

nations. The twenty-nine Turks found aboard these ships will be returned to France, where their identity will be established and all question of law in connection with the seizure will be referred to the Hague.

Mr. Shirar was then in the pantry door, between the pantry and the kitchen. Mrs. Walker said: 'Why, Will, you shot me.' When the third shot was fired, Mr. Walker was standing in the dining room door. That shot lodged in the east pantry door. 'Everyone ran out in front to call for help leaving Shirar in the pantry. I picked him up and carried